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February 13, 2012

**VIA E.C.F.**

The Honorable Sandra L. Townes  
United States District Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

**Re: United States v. Michael Virtuoso**  
**Docket No. 11 CR 508 (SLT)**

Dear Judge Townes:

I am writing to briefly reply to the government's letter in opposition to Mr. Virtuoso's request for an adjournment of his sentencing currently scheduled for February 22, 2012 at 11:30 AM.

First, the instant request is made with the consent of Mr. Virtuoso. More importantly, Mr. Virtuoso is not prejudiced by the instant request for an adjournment. He is currently incarcerated and facing a sentence that will keep him incarcerated well beyond the date of the requested adjournment. Additionally, the government is not prejudiced in any way, regardless of whether the three week adjournment they consented to is granted or if defense counsel's five week adjournment request is granted. More pointedly, while defense counsel is appreciative of the government's consent to a three week adjournment, it is not apparent how the government would be prejudiced at all by an additional two weeks.

Second, objections to the Eastern District PSR could not be filed until at least January 26, 2012, the date of filing for

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the PSR in the Southern District matter. Stated differently, each PSR must be disclosed in order for defense counsel to assess and ensure that the information contained in each PSR is not only accurate but consistent. Furthermore, at the time the Southern District PSR was disclosed up until late last week, defense counsel, a sole practitioner was preparing for a trial in United States v. Moscatiello, et al., a multi-defendant RICO prosecution in the Southern District. That case is potentially prepared for a plea later this week.

Finally, the requested adjournment is appropriate to ensure that the needs of Mr. Virtuoso at sentencing are best served.

Therefore, for all these reasons, it is respectfully requested that this Court grant an adjournment of Mr. Virtuoso's sentencing until a date and time convenient for the Court beginning March 26, 2012.

Respectfully submitted,

  
Joseph DiBenedetto

cc: Mr. Stephen Frank,  
Assistant United States Attorney  
(Via E.C.F.)